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EXAMINER

ENGLAND, DAVID E

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/006,236
Filing Date: December 10, 2001
Appellant(s): PALMER, MICHAEL L.

James M. Heintz Reg. No. 41828
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/10/2008 appealing from the Office action mailed 08/24/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,415,307	Jones et al.	7-2002
6,463,461	Hanson et al.	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 54 – 65, 67, 69 – 80 and 82 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al. U.S. Pat. No. 6415307 (hereinafter Jones).

Referencing claim 54, as closely interpreted by the Examiner, Jones teaches a method for dynamically updating a content list at an end user location, said method comprising the steps of: receiving a content list from a feed station at a field station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50); transmitting a copy of the content list from the field station to an end user station, (e.g., Figure 1, column 5, line 26 – col. 6, line 50); receiving a message from the feed station at the field station, the message comprising at least one revision to the content list, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61); implementing the revision to the content list at the field station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61); and transmitting the revision to the end user station for revision of the content list at the end user station, (e.g., col. 2, line 43 – col. 3, line 5 & col. 14, lines 39 – 61);

wherein the content list comprises a plurality of stories, and an ordered list of stories wherein each story comprises at least text element, metadata, and zero or more references to a media object, (e.g., col. 6, lines 20 – 50); and

wherein the list of stories determines a sequence in which the stories will be displayed to the user at the end user station, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

As per claim 55, as closely interpreted by the Examiner, Jones teaches the revision comprises a change in an order of the stories in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

As per claim 56, as closely interpreted by the Examiner, Jones teaches the revision comprises an addition of a new story to the content list, (e.g., col. 2, lines 42 – 67 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5 & col. 13, lines 41 – 53).

As per claim 57, as closely interpreted by the Examiner, Jones teaches the revision comprises a deletion of a story on the content list, (e.g., col. 14, lines 39 – 61, a new search using different keywords could result in a completely different list of content which would not show the previous content list which could be interpreted as deletion of stories on the content list).

As per claim 58, as closely interpreted by the Examiner, Jones teaches the revision comprises the addition of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

As per claim 59, as closely interpreted by the Examiner, Jones teaches the revision comprises the deletion of a text element or a media object to a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

As per claim 60, as closely interpreted by the Examiner, Jones teaches the revision comprises a modification of a text element or a media object associated with a story in the content list, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

As per claim 61, as closely interpreted by the Examiner, Jones teaches the content list comprises a reference to media objects and further comprising the steps of resolving the reference to the media object by obtaining the media object from a media and object server, wherein the media object includes one or more versions of associated media objects, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

As per claim 62, as closely interpreted by the Examiner, Jones teaches metadata comprises at least one of text, XML markup, and binary information, (e.g., col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

As per claim 63, as closely interpreted by the Examiner, Jones teaches the message is received after the content list is transmitted to the end user station information, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation is interpreted as the steps in updating the content list).

As per claim 64, as closely interpreted by the Examiner, Jones teaches a plurality of messages are received at the field station and transmitted to the end user station, each of the messages including a revision to the same content list, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5, this limitation can be accomplished by doing a “keywords” search multiple times).

As per claim 65, as closely interpreted by the Examiner, Jones teaches the steps of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

As per claim 67, as closely interpreted by the Examiner, Jones teaches the step of selecting stories from the content list for transmission to the end user station from among a plurality of stories in the content list received from the feed station, (e.g., col. 2, line 56 – col. 3, line 41 & col. 6, lines 20 – 50 & col. 10, line 42 – col. 11, line 5).

Claims 69 – 80 and 82 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 66, 68 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Hanson et al. (6463461) (hereinafter Hanson).

As per claim 66, as closely interpreted by the Examiner, Jones not specifically teach the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station. Hanson teaches the stories for transmission to the end user station are selected on the basis of content of the story and identity of an audience associated with the end user station, (e.g., Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Hanson Jones because it would be more efficient for a system to tailor to the specific needs of a group that subscribes to a specific section of the news, for example Sports, and to filter out any unwanted information that the group does not wish to view, for example Business.

Claims 68 and 81 are rejected for similar reasons as stated above.

Response to Arguments

Applicant's arguments filed 06/07/2007 have been fully considered but they are not persuasive.

In the Remarks, Applicant argues in substance that Jones fails to teach the feature of "implementing the revision to the content list at the field station; and transmitting the revision to the end user station for revision of the content list at the end user station", as recited by Applicant in claim 54. Jones is merely directed to the simultaneous display of a graphical representation of a printed publication, or part of a publication, and text data appearing in the printed publication wherein a list of contents for each page are displayed such that the passages of text (articles or stories) are listed in the order of importance. See, for example, FIG. 2 of Jones.

Independent claim 69 also falls under the same argument.

As to the Remarks, Examiner would like to point out one scenario that can be read into both the prior art of Jones and the Applicant's invention as broadly interpreted by the Examiner. If a user in the Applicant's invention wishes to view all new data, that would mean that the entire list must be revised and therefore the entire content list is re-transmitted to the user. Under the Applicant's interpretation of the prior art, this is a match and therefore the prior art, as stated and interpreted by the Applicant and Examiner, and is therefore still rejected for the reasons stated above.

All other remarks that are stated by the Applicant fall under the same rationale and therefore are still rejected.

(10) Response to Argument

In the Remarks, Appellant argues in substance that the prior art of Jones does not specifically teach "implementing the revision to the content list at the field station" and "transmitting the revision to the end user station for revision of the content list at the end user station". More

specifically, Appellant argues the meaning of "revision" as stated in the claims and interpreted in the prior art, i.e., the prior art retransmits the entire publication and the claimed invention only transmits new content to the user. Furthermore, Appellant states that the final office action is improperly conflating "revision" with "replacement".

As to this Remark, Examiner would like to define the term "revision", or revise. As stated in Merriam-Webster's dictionary, to revise something, is to MAKE NEW, amended, improved, or up-to-date version. The Examiner understands that there is more than one meaning for the term revise or revision but, as it is clear, the Examiner's interpretation to have a new list retransmitted to a client is correct since one of the meanings of revise is to "make new". Furthermore, in a scenario which as the user with a content list of only business articles and then wishes to "revises" the content list with only sports or anything else, the prior art would also fall in parallel with the claimed invention. There is nothing in the claims that state this interpretation to be incorrect given different scenarios and the common meaning of revise. The Appellant further states that, "a content list with all new data is not a "newly edited version" of a prior content list because there is nothing in common between the two." The Examiner would like to point out that the claim language states nothing about the two content lists needing something in common. The only thing in common they need to have is that they are content lists and they go from a field station to the client. Nothing states in the claim that the list has to have one or more elements that were previously in the list. If the claims stated that the content list had some type of label, i.e., business, and only business was suppose to be sent in a list, than this would go against what the Examiner had for a previous example. Although, one can make the argument that the user may

want an updated list of stories in business to be sent, i.e., the client is viewing American business and wants Chinese business, the list would then send the newly updated information about Chinese business with or without the American business. Regardless, there is nothing in the claim language that would change the interpretation that the Examiner is reading into the claims and the meaning of “revision”.

The Remarks under heading ‘B’, argue that Hanson does not teach the deficiencies of Jones and therefore the depending claims that are rejected under 103 are not obvious.

Since the rejection under 102 with Jones is correct, then claims 66, 68 and 81 are properly rejected for similar reasons stated above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/D. E. E./

Primary Examiner, Art Unit 2143

Conferees:

/Phuoc H Nguyen/

Primary Examiner, Art Unit 2143

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2143